

COURT NO. 1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA 619/2022

Cpl Pradeep Deswal ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Ved Prakash, Advocate  
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

21<sup>st</sup> May, 2025

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the grievance of the applicant is that, although he participated in the National Grass Court Tennis Championship 2016-2017 held at Chandigarh from 28.11.2016 to 03.12.2016, he has not been granted an out of turn promotion to the rank of Sergeant, in terms of the Air Headquarters Promotion Policy No. Air HQ/C 40651/PA(CPC) dated 14.01.2015. Claiming out of turn promotion in accordance with the said policy (Annexure A3), the applicant has filed this OA.

2. The applicant was enrolled in the Indian Air Force on 02.07.2014 through the Sports Entry Scheme as a Lawn Tennis Player. He submits that he participated in the Inter Services Lawn Tennis Championship during 2014-2015 and

won a Gold Medal in the Open Doubles competition. He was also selected to participate in the 2015-2016 Inter Services Lawn Tennis Championship, where he won a Silver Medal in the team event and reached the quarterfinals in the Open Singles. He was selected as a member of the Services Team consisting of six main players.

3. The applicant further states that he attained a valid ranking in the All India Tennis Association (AITA) and was selected to represent the Services Team in the National Grass Court Tennis Championship held at Chandigarh from 28.11.2016 to 03.12.2016. He participated in the said tournament and, as per the promotion policy dated 14.01.2015 (Annexure A3), claims entitlement to an out of turn promotion for representing the Services Team in a National Level Championship and winning a medal.

4. However, the applicant contends that he was unaware of the promotion policy at the time and upon making an oral request in 2019, was given a verbal assurance. Believing in that assurance, he did not pursue the matter until 2020, when he submitted a representation seeking an out of turn promotion via a general application dated 26.08.2020 (Annexure A4). He asserts that the Services Team secured

second position in the national championship held in Chandigarh, as per the AITA rankings, and he should therefore is eligible for the promotion.

5. The applicant's request was considered by the Competent Authority, namely, the Air Force Sports Selection Board. However, his application was returned on 21.09.2020 (Annexure A5) due to the requirement for a statement of case for condoning the delay, as the claim was time barred. The applicant further claims that during the said event, no team manager or event manager was appointed, and hence, no official event report was submitted. Despite this, the Air Force Sports Control Board requested the Services Sports Control Board on 01.10.2020 (Annexure A6) to issue a participation certificate to the applicant, which was forwarded to the Air Force Sports Control Board on 16.10.2020.

6. Nevertheless, the applicant was not granted the out of turn promotion. He has submitted various documents to support his claim. However, his request was rejected by the Air Force Sports Control Board on the ground that he did not participate in the championship as a member of the Services Team. Although he was selected to be part of the Services Team, he actually competed as a member of the Haryana State Team, as per his AITA ranking and registration.

Therefore, he was deemed ineligible for the claimed promotion.

7. The applicant refutes the aforesaid contention. Learned counsel for the applicant draws our attention to communication dated 23.11.2016 (Annexure A2) which indicates the selection of the applicant to participate in the National Grass Court Tennis Championship as a player representing the services in the championship. Relying on this communication, along with the general application dated 26.08.2020 (Annexure A4), the recommendations made by the Section Commander, the promotion policy, and the certificate dated 22.09.2020 (Annexure A7) issued by the All India Tennis Association, learned counsel for the applicant argues that the applicant participated in the said tournament as a member of the services team and is, therefore, entitled to out of turn promotion in accordance with the policy dated 14.01.2015, specifically Para 43 (a)(i), which reads as under:

**ACTING PROMOTIONS: SPORTSMEN/ADVENTURE ACTIVITIES**

*43. The eligibility conditions for out of turn promotion are as follows:-*

*(a) First Out of Turn Promotion. The following category of sportsmen will be granted acting paid promotion to the next higher rank with effect from the date of qualifying in such events, irrespective of the length of service or any qualifications, however, passing of promotion examination is mandatory before conversion of said acting promotion to substantive promotion: -*

*(i) Sportsmen representing Services at the recognized Senior National Championships/Games*

*(ii) In those disciplines wherein Services Championships are not held, but Services team are selected based on conduct of trials, viz the games of chess, cycling, wushu, fencing, archery, taekwondo, triathlon, judo, track cycling, the teams or individuals who win a Gold / Silver / Bronze medal in the National championship will be granted out of turn promotion.*

*(iii) In those disciplines wherein Services Championships are not held, IAF teams participate directly in Senior National Championships viz Shooting, Cycle Polo, Table Tennis, Badminton, only those individuals or teams who win a Gold / Silver / Bronze medal in the National championship will be granted out of turn promotion.*

*(b) Second Out of Turn Promotion. Second out of turn promotion is to be considered after a gap of minimum two years from the first out of turn promotion. Participation in events subsequent to those counted during first out of turn promotion is to be considered. The acting paid promotion will be granted to the following categories of sportsmen who have been granted first out of turn promotion without passing the requisite promotion examination. However, passing of promotion examination is mandatory for conversion of all such acting promotion to substantive promotion:-*

*(i) Sportsmen representing India in recognized International Championships / meets for three times in individual as well as team event.*

*(ii) Sportsmen winning I///II position in World Championships, Asian Games, Commonwealth Games, Asian Championships or Commonwealth Championships and other International Championships (more than eight countries should participate in the championships).*

8. Learned counsel for the applicant took us through various documents in support of the contention that the applicant had represented the Services in the National Grass Court Tennis Championship. It was submitted that the applicant fulfilled the criteria laid down in the promotion policy for out of turn promotion and, therefore, the respondents cannot deny the benefit to him.

9. The respondents have filed a detailed counter affidavit and contend that, although the championship was held in Nov-Dec 2016, the applicant sought out of turn promotion for the first time only on 26.08.2020, as per Annexure A4. This request was returned by the Air Force Sports Control Board for want of a statement of case for time barred sanction. The request was subsequently forwarded. The respondents rely on the applicant's own admission in his application dated 02.09.2020 (Annexure A5), wherein he stated that he failed to inform the concerned staff due to lack of awareness about the policy for out of turn promotion.

10. Be that as it may, the respondents argue that as per the promotion policy, an individual must represent the Services at a recognized Senior National Championship or Games. Upon examination by the Board of Officers of the Apex Body, namely the Air Force Sports Council, it was found that the applicant was ineligible for out of turn promotion, as he participated in the championship in question in his individual capacity representing the state of Haryana based on his All India Tennis Association (AITA) ranking and not as a member of the Services team.

11. The respondents rely on a communication from the All India Tennis Association (AITA) to the Services Selection

Control Board dated 01.10.2020 (Annexure R6), which clearly states that the applicant participated in the tournament as an individual player based on his All India ranking. While the applicant was indeed selected as a Service Lawn Tennis player, he was ranked fifth (reserve player) on the selection list, and only the top four were chosen to represent the Services. As a reserve player, he did not participate on behalf of the Services but instead competed as an individual representing his home state, Haryana. The certificate issued to him after the tournament also reflects that he represented the state of Haryana.

12. The respondents place reliance on documents available on record, including Annexure R2, filed with the additional affidavit on 11.02.2025, which indicates that Cpl Pradeep Deswal of Haryana participated in the tournament held at Chandigarh from 28.11.2016 to 03.12.2016. These documents were forwarded by the AITA in response to communications from the respondents (Annexures R1 and R2).

13. It is the specific case of the respondents that, although the applicant was a member of the Services Tennis Team, he was a reserve player (Serial No. 5) and did not participate on behalf of the team. Instead, he participated based on his

individual ranking. The respondents also produce the AITA ranking list dated 28.11.2016 (Annexure A1), which shows the applicant at Serial No. 87, registered in the ITF Database with registration No. 402016 for the state of Haryana. The certificate issued post tournament also identifies him as a player representing Haryana.

14. The matter was heard in detail by this Bench on 14.02.2025. After considering the submissions and the documents on record, we deemed it appropriate to issue notice to the All India Tennis Association (AITA), along with a copy of our order, directing the said authority to clarify along with supporting documents, the capacity in which the applicant participated in the 2016 Chandigarh tournament and whether he represented the Services team or not.

15. In response to the notice issued by this Tribunal, the All India Tennis Association (AITA) submitted a communication addressed to the Joint Registrar (Judicial) of this Tribunal, signed by Mr. Anil Dupar, Honorary General Secretary. In Para 2 of the said communication, it is stated that the Grass Court Nationals for Men and Women were held at Chandigarh from 28.11.2016 to 03.12.2016. The participation in these events was on an individual basis, and players were selected based on their AITA rankings. It is



further mentioned that, as a general practice, the certificate of participation issued to a player reflects the state with which the player is registered in AITA. However, in some cases, players request that the name of their employer organization be mentioned in the certificate, typically for the purpose of seeking promotions or other service-related benefits.

16. It is clarified in the communication that the applicant is registered with AITA under Registration No. 402016 as a Haryana player. He participated in the Grass Court Nationals held at Chandigarh, and this registration number was included in the draw sheet. Consequently, he was issued a participation certificate identifying him as a player from Haryana.

17. However, it is now stated that a revised certificate is being issued by the organizers along with the communication, indicating that the applicant represented the Services team (SSCB) instead of the State of Haryana. The communication suggests that the applicant's participation in the Nationals held at Chandigarh in 2016 may now be considered as representing SSCB. Along with the letter, AITA has enclosed a list of players from the Services team who were selected to represent the Services in the said

championship. In this list, the names of the applicant and one LAC Eklavya Singh appear at serial numbers 'e' and 'f', respectively. According to the respondents, both LAC Eklavya Singh and the applicant were reserve players and did not participate in the tournament as part of the Services team. Supporting this contention, it is pointed out that even the participation certificate issued to LAC Eklavya Singh identifies him as a participant from the State of Jharkhand.

18. The respondents have also submitted the tournament schedules and emphasized that whenever the Services team officially participates, the players are recorded as representing the Services team, and the participation certificates explicitly reflect the name of the organization or team they represent.

19. The respondents also produced before us the communication received in response to the queries raised by them to the All India Tennis Association (AITA), including the relevant e-mails and replies. The information furnished by AITA, as well as the queries made, indicate the following:

- (a) The applicant participated in the tournament held at Chandigarh, where he took part in the singles qualifying draw and the doubles event.

(b) In response to the specific query as to whether the applicant represented the State of Haryana or the Services Sports Control Board (SSCB) in the said championship, AITA clarified that in State Championships, players represent their respective states.

20. Learned counsel for the respondents points out that even in this communication, AITA does not explicitly state that the applicant represented the Services team in the said tournament. With regard to the query on whether the applicant submitted a No Objection Certificate (NOC) to AITA, it was indicated that since he participated in his individual capacity, no such NOC was required. It was further clarified that in such championships, individuals may participate either independently or as part of an organization.

21. Having heard learned counsel for both parties at length and having carefully analyzed the facts that have come on record, as detailed above, the sole question for consideration is whether the applicant is entitled to out of turn promotion in accordance with the applicable policy dated 14.01.2015 (Annexure A3).

22. The promotion policy for Airmen, as contained in Annexure A3 dated 14.01.2015, provides for out of turn

promotion and weightage to outstanding sports persons under Para 42 and 43. Para 43 lays down the eligibility conditions for out of turn promotion sub-clause (a)(i) stipulates that a sportsperson representing the Services at a recognized Senior National Championship or Games is eligible for out of turn promotion. Accordingly, the question before us is whether the applicant participated in the National Championship held at Chandigarh in November 2016 and, if so, whether he represented the Services team in that tournament, thus making him eligible for out of turn promotion under the policy.

23. After the applicant submitted his representation dated 26.08.2020 (Annexure A4), his statement of case was forwarded to the Competent Authority, wherein the relevant facts were outlined. The recommendation made was that the case may be considered as per the existing policy dated 14.01.2015.

24. The applicant places strong reliance on the fact that he was selected to participate in the said tournament as part of the Services team. In support, he refers to the communication dated 23.11.2016 from the Services Sports Control Board, wherein his name was included in the list of participants selected to represent the Services in the National Grass

Court Championship scheduled to be held at Chandigarh from 28.11.2016 to 03.12.2016.

25. In the selection list available on record, it is indicated that six players were selected to represent the Services, and their names are listed in sequence as follows: a, b, c, d, e and f. The applicant's name appears at serial number 'e', identifying him as one of the reserve players.

| S No. | Name of the Athlete | AITA CARD NO |
|-------|---------------------|--------------|
| (a)   | D Pagalvan          | 411346       |
| (b)   | Abhishek Gaur       | 414054       |
| (c)   | B Bhardwaj          | 401133       |
| (d)   | Abhiveer Shekhawat  | 412867       |
| (e)   | Pradeep Deswal      | 402016       |
| (f)   | Eklavya Singh       | 409186       |

26. It is the contention of the respondents, as stated in the counter affidavit and the additional affidavit filed, that the applicant, Cpl Pradeep Deswal, and LAC Eklavya Singh were listed as reserve players. Only the first four players on the selection list actually participated in the tournament as members of the Services team. As far as Cpl Pradeep Deswal and LAC Eklavya Singh are concerned, the respondents assert that they did not participate in the tournament or compete in any event on behalf of the Services team. Instead, both the individuals participated in the tournament in their individual capacity, having been selected based on their AITA rankings.

27. On record are two participation certificates, one issued to Cpl Pradeep Deswal and the other to LAC Eklavya Singh both of which indicate that the players participated as individual entrants. Specifically, the certificate issued to Cpl Pradeep Deswal reflects that he represented the State of Haryana in the Men's Singles event and reached the pre quarterfinal stage. This Certificate was issued immediately after the tournament. In the case of LAC Eklavya Singh, a similar certificate was issued, showing that he participated in the tournament as a player representing the state of Jharkhand. He participated in the Men's Singles (first round) and the Doubles (first round).

28. Although these certificates were issued immediately after the tournament, when notice was issued to the All India Tennis Association (AITA) by this Tribunal on 14.02.2025, and when the matter came up for consideration on 15.04.2025, a representative of AITA appeared and produced documents on 01.04.2025, along with a letter dated 20.03.2025. This letter provided information regarding the applicant's participation in the individual events based on his AITA ranking.

29. Surprisingly, along with this letter, a newly issued certificate was submitted, modifying the original certificate.

The new certificate indicated that the applicant had participated in the tournament as a player representing the Services team. However, the covering letter stated that the applicant had now obtained a new certificate from the organizers, reflecting his participation as a member of the Services Sports Control Board (SSCB) instead of Haryana.

30. From the material on record, the following factual aspects emerge:

- (a) A national-level tournament was conducted at Chandigarh from 20.11.2016 to 03.12.2016. The applicant, along with five others, was selected to participate. He was a reserve player for the Services team.
- (b) The applicant first claimed out-of-turn promotion only in 2020. In the certificate issued in 2016, he was shown as having represented Haryana.
- (c) The respondents contend that although the applicant was selected for the tournament, only four members actually participated, and the applicant, being a reserve player, did not represent the Services team or play in any event on its behalf. Instead, he participated in the individual events based on his AITA ranking, which was registered with the state of Haryana.

31. All of this clearly indicates that while the applicant was present at the tournament, he participated in an individual capacity based on his AITA ranking. There is no record to show that he represented the Services team in any of the events or was issued a certificate to that effect at that time.

32. The affidavit filed by the AITA confirms that the applicant participated in the individual event based on his Haryana registration and that the original certificate issued to him reflected this fact. This certificate appears to have been altered only after the Tribunal issued notice to AITA, and the change was made at the applicant's request.

33. In our considered view, the facts established above, based on the documents on record, clearly show that although the applicant was selected to represent the Services team, he did not, in fact, represent the team or participate in any event on its behalf. Rather, he competed in his individual capacity, based on his AITA ranking.

34. Therefore, the applicant does not meet the eligibility criteria under the promotion policy to claim an out-of-turn promotion. Such a promotion is an exceptional benefit granted only for outstanding performance while representing the Services team in sporting events. Since the applicant did



not participate as a Services team representative, he cannot be considered eligible for this benefit.

35. Accordingly, the applicant's claim is held to be devoid of merit and unsustainable, both in facts and in law.

The OA No. 619/2022 stands dismissed.

36. No order as to costs.

Pronounced in open court on this 21 day of May, 2025.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

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